



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/628,207 | 07/29/2003 | Vipul Narain Roy | | 5480 |

7590 10/17/2006

DR VIPUL NARAIN ROY
C/O DR ATUL ROY
18154 TRUFLE LANE
BOYDS, MD 20841

EXAMINER

BUI, VY Q

| | |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

3734

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/628,207

Applicant(s)

ROY, VIPUL NARAIN

Examiner

Vy Q. Bui

Art Unit

3734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-19 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 recites the limitation "the segment" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is specific subject matter claimed in the claim to point out the novel feature of the present invention.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Euteneuer et al.-6,077,273 in view of Chiu et al-6,666,880.

As to claim 1, Euteneuer-'273 (Fig. 12) show spring 60 as a portion of shaft assembly 26A&26B, heat-expansile balloon 14 substantially as recited in the claim. Euteneuer-'273 does

Art Unit: 3734

not disclose a zigzag stent with a cocktail of drug coating. However, Chiu et al-6,666,880 (Fig. 1-2; line 43, col. 4 to line 14, col. 14) discloses a coated zigzag stent with drug agents for treatment of the local site of a blood vessel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a coating as taught by Chiu et al-6,666,880 to an Euteneuer-'273 stent as recited in the claim so that the local site of a blood vessel can be treated.

As to claims 2-13 and 15-18, Euteneuer-'273 does not disclose a zigzag stent with a cocktail of drug coating. However, Chiu et al-6,666,880 discloses a zigzag stent having a coating substantially as recited in the claims for a treatment of a local site of a blood vessel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a coating to Euteneuer-'273 stent with a coating as taught by Chiu et al-6,666,880 to treat a local site of a blood vessel.

2. Claims 1-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Euteneuer et al.-6,077,273 in view of Ragheb et al.-6,299,604.

As to claims 1-13 and 15-18, Euteneuer-'273 does not disclose a zigzag stent with a cocktail of drug coating. However, Ragheb et al.-6,299,604 discloses a zigzag stent having a coating substantially as recited in the claims for a treatment of a local site of a blood vessel. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a coating to Euteneuer-'273 stent with a coating as taught by Ragheb et al.-6,299,604 to treat a local site of a blood vessel.

Art Unit: 3734

Allowable Subject Matter


Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes can be reached on 571-272-4959. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


10/13/2006

Vy Q. Bui
Primary Examiner
Art Unit 3734